

- 2.10 To the east along the southern side of Carlton Gore Road is land zoned as Residential 7b which has in the last 20 years been developed as high density terraced housing consistent with that zoning.



Figure 5: Photo of Whitecliffes Art School

- 2.11 Beyond that again to the east and on the southern side of Carlton Gore Road is more 7b zoned land again developed as high density housing which then merges with land zoned as Residential 1 with frontage to Seafield View Road.
- 2.12 Moving to the north east a pattern of older style housing typical of the Residential 1 zone appears which merges into a mixture of buildings that comprise motels, boarding houses and ultimately the Auckland Medical School and beyond that the Auckland Hospital itself.
- 2.13 Commercial strip shopping appears along Park Road. The enclave of housing in this area has traditionally, although not exclusively, been associated with accommodation for the hospital and university.
- 2.14 Along Grafton Road to the north a fair proportion of the frontage (which is elevated above the roadway) on the eastern side is devoted to the Whitecliffes building which is augmented with further terraced housing zoned as Residential 7b.
- 2.15 High density housing is to be found on the western side of Grafton Road including a landmark apartment tower and Residential 7c zoning which has no density limitation (refer Clause 7.7.2.1 of the District Plan).
- 2.16 Whilst there are a number of character homes typical of the villa and bungalow

style to be found in the wider area, overall the area conveys the impression of an area of mixed uses serving accommodation needs associated with the hospital, some heritage housing stock and some high density housing and commercial services.



Figure 6: Example of High Density housing on Carlton Gore Road



Figure 7: Example of High Density housing stock on Carlton Gore Road

2.17 No one style predominates and an eclectic mixture of architectural styles are to be found typifying the periods within which each was constructed. There are



streets of heritage style housing in the area defined by Park Road, Grafton Road and the motorway, but these are remote from the subject site. There are streets such as Park Road and Grafton Road which are a mixture of commercial and residential activity.

- 2.18 The portion of Carlton Gore Road subject to this application appears as commercial albeit that the Whitecliffes building is a heritage and character building – it is plainly devoted to commercial activities.

3.0 Proposed Plan Change

- 3.1 The land owners have determined that to facilitate the use of their property in the long term that a zoning appropriate to the land be sought. Such a zoning requires to acknowledge the interface between commercial and residential uses and to enable the potential long term use of the site for residential as well as commercial uses.
- 3.2 It is unlikely in the short term that the commercial use of the property – protected by existing use rights – would discontinue. What is suggested is that a zoning that enables some type of mixed activity such as residential and service activities be permitted on the property.
- 3.3 The **Mixed Use Zone** zoning provisions of the plan are considered to be sufficiently flexible to enable the type of dual uses described, which will enable the reasonable and orderly continued use of the site for commercial purposes without necessitating a resource consent whilst also enabling the potential for residential and other mixed use activities.
- 3.4 The subject property has for many years been developed and used as a commercial office building. In recent years consents have been granted with respect to refurbishment and carparking matters.
- 3.5 It has become evident that any redevelopment or use of the site that would be straightforward were the property to enjoy a business zoning has become potentially fraught due to the underlying zoning being inappropriate to the site and its continued use for business purposes.
- 3.6 The building on the site is in good order and serves as a buffer to the Residential 1 zoned land lying to the north to a degree from the effects of the motorway and the commercial development that lies to the west.

4.0 District Plan Provisions

Current Zoning

- 4.1 The site is currently zoned as Residential 7. This is a zoning that the Plan describes as “Residential 7B” and is characterised by a range of building types and includes relatively high rise, high density development. 3 and 4 storey multi unit developments can be found in the Residential 7A and 7B sub zones while development at a greater scale can be found in the Residential 7C sub



zone. The zone is often located in areas with favourable aspect and slope. It is applied to areas with good access to local open space and leisure opportunities, business centres, community services and public transport. The zone is generally found adjacent to the regional and district arterial roads of the Isthmus.

- 4.2 Indications are that the infrastructure drainage system in these areas is able to cope with further residential development. However, there may be areas within the zone experiencing isolated storm water drainage problems. Reference is made to the infrastructural report prepared and attached that has addressed these issues and confirms the suitability of the site with respect to infrastructure.
- 4.3 The zone is applied to locations suitable for the application of more generous building bulk controls to allow residential accommodation to be established at higher density.
- 4.4 The Residential 7 zone sits apart from the other residential zones because it contains substantially more intense development, which is often located on smaller sites with a minimal areas of open space.
- 4.5 As a consequence, the zonal controls seeks to maximise design flexibility. To this end development controls provide appropriate density, and height controls, all of which accommodate multi level developments.
- 4.6 The zone is also applied in commercial centres and community facilities which are able to service a greater population. In these cases the more generous development controls associated with the zone, allow development to achieve a built scale similar to the commercial centres without the addition and often adverse impacts which can be associated with the non residential uses the commercial centres contain. This would have the effect of providing a buffer between the larger scale and higher intensity form of development which occurs in commercial centres and lower intensity development associated with lower density residential areas.

Proposed Zoning

- 4.7 In assessing the suitability of converting the current residential 7 zoning to Mixed Use we have had regard to the following options:

RETAIN CURRENT ZONING

- 4.8 An option that warrants consideration is the retention of the status quo in terms of the present zoning.
- 4.9 If the current residential 7B zoning is retained on the subject property this will continue to fail to reflect the actual uses of the site which have been ongoing for some years and given the standard of the existing building and its occupancy are likely to continue. It is probable that the duration of the activities within the building will continue as long as the life of the current



District Plan and will continue to provide some difficulties for the occupants and owners during that period.

- 4.10 We note that office use in the Residential 7B comprises a discretionary activity for which resource consent would otherwise be required. The lawful and ongoing establishment of the office use in the building at this time may necessitate that from time to time subject to any changes in the manner by which the applicant operates may of itself give rise to the need for resource consent.
- 4.11 Similarly, the existing uses are not guaranteed by virtue of the current plan provisions such that if the use were to discontinue for a period exceeding twelve months further resource consents would be required to re-establish them pursuant to Section 10(2) of the Act. The applicant has experienced difficulty with resource consents for matters such as signage and considers that the continued application of a Residential 7B zone will not obviate those concerns. Nor does it most appropriately reflect the present land uses on the site. It is considered that the application of a zoning that is sufficiently flexible to acknowledge the present and potential use of the site would be more appropriate. It is therefore our opinion that it is not appropriate having regard to all of the circumstances to retain the Residential 7B zoning.

MIXED USE ZONE:

- 4.12 We attach a copy of the most recent iteration of the Mixed Zone Provisions to this application. These are now operative.
- 4.13 The introduction of a Mixed Use zone as described above that is sufficiently flexible to enable the continued use of the commercial activities on this site without necessitating undue and unnecessary resource consents, subject to the application of appropriate development controls, is considered a better solution than the present Residential 7B zoning.
- 4.14 The site stands alone surrounded on all sides (with the exception lying to the immediate west) by roading. It fronts land that is zoned 7B to the east and across Carlton Gore Road to the north. Carlton Gore Road at this point is a mixed use area in transition between commercial and residential activities as it intersects with Grafton Road.
- 4.15 The Residential 7 land lying to the north and to the east has been developed in recent years and appears unlikely to be redeveloped in the immediate short term. A Mixed use zone tailored to the site but which incorporates sufficient controls to ensure that the preservation of amenity to the land zoned 7B lying to the east and north would provide the applicant with the certainty that it needs to enable the continued orderly use of its property and also provide for other activities such as residential use subject again to performance standards.
- 4.16 We consider that the entity under consideration warrants particular



consideration and control via its own planning controls by virtue of:

Its scale – the site is a large one in the context

Its topography – which results in the activity being physically confined within a ring described by the motorway, a small reserve and cul-de-sac.

Its development to date – which is of a commercial nature

Ownership - the site is owned by a common interest and is therefore able to be co-ordinated and effectively controlled.

- 4.17 It is proposed to change the zoning by recognising the particular qualities of the property and the manner by which it is now used and proposed to be used in the future and protect and enable that use in an orderly manner by the introduction of a Mixed use zone that recognizes the development potential of the site for both commercial and residential purposes in a compatible manner.

Objectives and Policies

- 4.18 In respect of an analysis of the purposes of the relevant zones the following comments are provided,

Objective 7.6.7.1 Residential 7 Zone

Objective

To maximise design flexibility and allow residential activities to establish at a relatively high intensity, while protecting the surrounding environment from adverse effects of development.

Policies

- *By providing for higher density residential development in appropriate locations.*
- *By imposing minimal development controls on sites within the zone, while affording appropriate protection on the interface with lower intensity residential zones.*
- *By promoting quality and innovative design solutions for developments of 4 or more residential units by requiring the application of urban design criteria.*

Objective 8.6.10 Mixed Use Zone

a) Objective

To allow the development of vibrant urban areas by enabling a diverse and compatible mix of residential, business, educational and leisure activities in areas of the City, close to the Central Area or existing town centres, which have easy access to public transport service.

Policies

- *By applying a Mixed Use zone to allow the development and enhancement of mixed use urban areas where opportunities exist to live, work, learn, shop and undertake leisure activities.*
- *By providing for Mixed Use zone areas close to main public transport routes.*



- *By encouraging buildings to be adaptable to other suitable activities over time.*

b) Objective

To ensure that any adverse environmental or amenity impact of activities within the zone on adjoining activities or on adjacent Residential or Open Space zones is avoided or mitigated.

Policies

- *By managing potential compatibility issues within development, between developments and their neighbours, and between developments and public spaces, including roads and open space, through the application of design criteria and rules, while recognising that amenity values in this zone are lower than in Residential zones.*
- *By limiting noise levels at the interface between neighbouring Residential zones and the Mixed Use zones, and within residential developments in the Mixed Use zones.*
- *By adopting controls which seek to protect privacy and amenity of occupants in adjoining Residential zones.*

(c) Objective

To encourage mixed use development which contributes to the amenity of the surrounding neighbourhood in terms of streetscape appearance and pedestrian amenity and safety, while recognising that these values are derived from a mixture of business activities and intensive residential development.

Policies

- *By requiring new developments to meet urban design criteria relating to streetscape appearance and pedestrian amenity and safety and building scale, form and layout.*
- *By offering bonuses in floor area for new developments, where specified plazas, landscaped areas pedestrian facilities and cycleways are provided.*

4.19 The policies for both zones encourage high density housing with variations in built forms. The Mixed Use Zone (MUZ) presents a series of design imperatives absent from the Residential 7 zone. Most notable the MUZ seeks to promote a mix of residential, retail and business activities close to the CBD or existing retail centres, all of which are consistent with the rezoning of the subject site.

Development Controls

4.20 The District Plan helpfully specifies the circumstances under which Council will consider an application to rezone land to a business zoning in Clause 8.5.1.1. These tests or criteria are discussed in the context of the subject application, and are as follows:

4.21 *Criteria 1: Where such land adjoins existing business zoned land and will not result in a centre being bisected by a major arterial road;*